

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

YOHAN WEBB,

Plaintiff,

vs.

BRAD JOHNSON, et al.,

Defendants.

**4:21CV3042**

**MEMORANDUM AND ORDER**

This matter is before the court on Filing 160, which the court has docketed and construed as Plaintiff's motion to supplement his interlocutory appeal.

On June 23, 2022, Plaintiff filed Filing 160 which he captioned, in relevant part:

Plaintiff appeals Memorandum and order Dated the 02 June 2022 (Filing 141) (Fed. R. App. P. 4(a)(1)(A)(vi), and seeks review by the Appeals Court (Fed. R. Civ. P. 60 (citations omitted)), and 28 USC § 1292(b), and Plaintiff seeks to join this supplemental with other appeals on the same subject matter . . . .

(Filing 160). This caption is nearly identical to an earlier filing by Plaintiff on June 13, 2022, which was docketed as an Interlocutory Appeal Supplement and transmitted to the Eighth Circuit Court of Appeals as a supplement to one of Plaintiff's then-pending interlocutory appeals. (Filings 154 & 155.) The court initially attempted to treat Filing 160 as an interlocutory appeal supplement and transmit it to the Eighth Circuit. However, the Eighth Circuit informed the court that the filing could not be treated as such because the Eighth Circuit had entered judgment on Plaintiff's interlocutory appeal and the matter was closed on June 21, 2022. (*See* Filing 159.) Thus, the court now construes Filing 160 as a motion to supplement Plaintiff's interlocutory appeal.

Because judgment has been entered and Plaintiff's interlocutory appeal is no longer pending, Plaintiff's motion to supplement his interlocutory appeal will be denied. If Plaintiff wishes for Filing 160 to be treated as a new interlocutory appeal, then he will need to inform the court in writing that Filing 160 should be processed as a new interlocutory appeal to the Eighth Circuit. Plaintiff should be aware that the filing of a new interlocutory appeal will make him responsible for the full amount of the \$505.00 appellate filing fee under the Prison Litigation Reform Act.

IT IS THEREFORE ORDERED that:

1. Plaintiff's motion to supplement interlocutory appeal (Filing 160) is denied.
2. Plaintiff shall inform the court in writing if he wishes for Filing 160 to be treated as a new interlocutory appeal. Plaintiff is advised that if he files a new interlocutory appeal, he will be responsible for the full amount of the \$505.00 appellate filing fee.

Dated this 30th day of June, 2022.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge